

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 10, 2005

Presiding: Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Harold Harris
Pledge of Allegiance

Present: Mayor Dalling; Sharon L. Bell, Clerk; Marcie A. Smith, Treasurer; Council members Tim Kershaw, Brent Barrus, Walter Deitz and Harold Harris; Scott Lee, interim City Attorney; Dick Dyer, City Engineer; Sharee Palmer, Planning & Zoning Commission; Deputy Cameron Stanford; Sarah Cummings, Standard Journal; Jan Gallup; Rob Harris, and Russell Smith. Council member Deitz was excused for the first part of the meeting.

The Mayor asked if there were any corrections to the minutes of the regular meeting held January 13, 2005. Each council member had a copy of said minutes prior to the meeting. It was moved by Council member Kershaw and seconded by Council member Harris to accept said minutes; motion carried.

Marcie presented the January reconciliation reports for the General Fund. It was moved by Council member Barrus and seconded by Council member Kershaw to accept the January reconciliation reports for the General fund; motion carried. Marcie presented the January reconciliation reports for the Utility Fund. It was moved by Council member Barrus and seconded by Council member Harris to accept the January reconciliation reports for the Utility fund; motion carried.

LID #3 ASSESSMENT PAYMENTS: Marcie said we have had a lot of LID assessments paid off and we should consider paying off more of the LID than what is owed this year. She said we can pay additionally in \$1,000 increments. **MOTION:** It was moved by Council member Barrus and seconded by Council member Harris that we pay the \$13,000 that is due on our street LID plus any extra money that comes in on the LID in \$1,000 increments; motion carried.

Marcie presented the current bills in the amount of \$39,751.59. It was moved by Council member Harris and seconded by Council member Kershaw to pay the current bills, together with all regular February bills that have not yet been received; motion carried.

CITIZEN INPUT: There were no comments from citizens.

RESIDENT DEPUTY'S REPORT: The Mayor said Deputy Cameron Stanford would address the Council during the executive session.

JAN GALLUP — BUILD-OUT STUDY:

P&Z Work Meeting to bring together Comprehensive Plan and Build-out Study:
The work meeting, which was scheduled for February 17 needs to be rescheduled because of a

conflicting matter. They requested the attendance of the City Council, and the meeting was changed to Thursday, February 24th at 8 p.m. Jan explained the way the law reads. P&Z has a public hearing to present the Comprehensive Plan. Then if there are any material changes, there has to be another public hearing. That public hearing can be the City Council's public hearing. Then they would present any changes that needed to be made to the Comprehensive Plan.

MOTION: It was moved by Council member Barrus and seconded by Council member Harris that on the 24th day of February at 8 p.m. we have a Comprehensive Plan meeting with P&Z, P&Z has a public hearing on the 3rd day of March at 7 p.m., and then the Council will have a public hearing on the Comprehensive Plan on the 24th day of March at 7 p.m.; motion carried.

20 Year Growth Impact Study: Jan presented a draft copy of the 20 Year Growth Impact Study, which was prepared by Dick Dyer. She explained the boundary designations they used. They followed property lines as much as they could. They maximized the land use for the next 20 years, which means they put in a lot of commercial, a lot of manufacturing so we could see what the limit would be. She explained the maps, which were included in the impact study. She said they took the build-out study map and refined it and put it in the Comprehensive Plan.

Comprehensive Plan: Jan presented a draft copy of the Comprehensive Plan, and discussion was had. She said Jerome Mapp's recommendations have been implemented. She asked the Council to review the Comprehensive Plan and we will all go over it on February 24th at the P&Z work meeting. The Mayor thanked Jan for her presentation.

PLANNING & ZONING REPORT: Sharee Palmer addressed the Council.

North Rexburg Interchange: She said P&Z had their joint meeting with Rexburg Planning & Zoning and Madison County Planning & Zoning here in Sugar City. They had an excellent turnout. P&Z let them know where we are on our Comprehensive Plan and land use map. They talked about the North Rexburg Interchange. There was discussion on why the County P&Z is proposing to change the comprehensive plan to industrial there.

Joint Meeting -- Sugar City, Rexburg & Madison County: They talked about street right-of-ways and widths. We want them all within the county and the two cities to be the same so they will mesh together. They also talked about design standards, which will be similar. We don't have any yet, but will be working on them. They have a design committee and want some names to meet with them on that. P&Z recommended Bob Oliphant, Harold Harris and Lawrence Nielsen. Troy Williams was also mentioned. P&Z will take care of the matter.

Trails of Madison County: Sharee said the County would like some people on that committee if possible. Council member Kershaw said he and Paula Arnold are on the committee. Sharee said Bruce King will be willing to serve on it and will find out how many people they need. The Mayor asked Council member Kershaw to follow through with Joe West and get our three names on the committee.

(Council member Deitz arrived at 7:45 p.m.)

Appointment of P&Z Commission Members: She said Kent Vernon is resigning his position on P&Z. He agreed to stay until the Comprehensive Plan is done. They plan to put a new member in the first of April to finish his term until December of 2005. She will give some names to the County Commissioners who will decide who replaces him. Bruce Bills' term ended December 2004, and he agreed to stay on until the Comprehensive Plan is done; so the Council reappointed him for a three-year term. The Council will appoint someone to complete his unfinished term from April 2005 to December 2007. P&Z recommended several names for this appointment. The Mayor said we will have this matter on our March agenda.

ENGINEER'S REPORT: Dick Dyer addressed the Council.

Main Sewer Lift Station: He said we had some serious control problems with the sewer

lift station. He looked at a range of alternatives. Council member Deitz recommended installing a third pump that is hooked only to the generator. It would cost about \$15,000 and would only run under extreme circumstances. A discussion was had, but no action taken.

City-owned vacant lot adjacent to Moon Park: Dick presented a map showing the City-owned property on the northwest corner of Moon Park. He discussed the discrepancies in surveys which have been done, which makes properties overlap each other. The City owns up to the middle of Lot 4 in Block 58 in the park, then there is a jog into Lot 9 and Lot 10. Dick said he took the information of record, the plats as they exist. In order to get it sorted out, it will take an actual physical survey which will be very expensive — \$1,000 to \$1,500. He suggests we write a quitclaim deed to whomever which says we give them the City's interest in Lot 10 and the North Half of Lot 9 in Block 58 of the original City Plat A. It would then be up to the purchaser to conduct whatever surveys may be necessary to determine exactly where those boundaries fall on the real ground. The Mayor expressed appreciation to Dick for his work and said we will communicate back and forth and decide what to do.

DEPARTMENT REPORTS:

COUNCIL MEMBER BARRUS:

Teton Dam Marathon: Brent said he talked with the Mayor of Rexburg about the Teton Dam Marathon. They want to have a health fair after the race, and a 5K and a 10K run in Rexburg. Brent got the feeling Rexburg would like to take the run over completely. He feels we need to write a letter to Rexburg and have them do it on a different day than the first Saturday in June and ask them to change the name of the run. **MOTION:** It was moved by Council member Barrus and seconded by Council member Deitz that we write a letter to the Mayor and City Council of Rexburg informing them of our feelings about the flood run, that we would like to have our own flood run on June 4 and ask them to change theirs to another day since they haven't made an attempt to include us as co-equals in this flood run; motion carried. The Mayor said he will write the letter and have Council member Barrus approve it and sign it, also.

COUNCIL MEMBER KERSHAW:

Snake River Basin Adjudication: Tim said he talked with Jerry Rigby regarding the letter we received from the City of Kooskia. He said the letter was factually flawed. Mr. Rigby is the attorney for the Committee of Nine over the water adjudication process. Copies of Mr. Rigby's e-mail response were included in the handouts. Tim said he was in Boise for some other business and took the opportunity to visit with our three legislators about the issue. He feels he got first-hand information from them and they are still adamantly in favor of the agreement. Tim does not support the resolution at all. He said the federal government is going to settle this case with the tribe with or without us. We can gain substantially with a lot of protections that we would have to earn ourselves in years and years of court battles by riding through on the coat tails of the federal government's settlement. He said it won't solve all of our problems but it will put to bed any kind of claims that the Nez Perce Indian Tribe can have in this particular issue alone. The Mayor feels there is no consensus of Council opinion on the matter at this time. Discussion was had but no action was taken.

RDA Workshop: Tim reported on the workshop he attended. He presented a pamphlet showing The 7 ½ Keys to Big Success in Small Towns. He talked about a book written by a man who studied small towns and how they survived and thrived as things grew and changed around them. Discussion was had and the Mayor asked Tim to get with Caisson Laboratories and see what we can do to help them expand their business in Sugar City.

COUNCIL MEMBER HARRIS:

Redesignation of Highway 33: Harold said he can't find any viable reason to redesignate Highway 33 from Horkley's to Sugar City. Discussion was had. **MOTION:** It was moved by Council member Harris and seconded by Council member Barrus that we go on record as preferring Highway 33 from Horkley's to Sugar City's Center Street be maintained on the State highway system but also be in favor of encouraging the promotion of the State accepting the responsibility from Horkley's to the North Rexburg Interchange. As an alternative solution, that if Madison County in writing can assume the responsibility of maintaining the existing Highway 33 from Horkley's to Sugar's Center Street at the same level of maintenance that the State has given us in the past. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

COUNCIL MEMBER DEITZ:

Railroad Avenue Sewer Repair: Walter recommends we dig on the west side of the curb and tunnel back the two feet, find where the problem is and repair it from there. It should be compacted from the bottom up. He feels we need to put a manhole at the west side of the main lift station. Dick said since it will be under \$25,000 we should get at least two contract bids. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that we authorize The Dyer Group to put together a set of drawings to repair the sewer line that runs under Railroad Avenue towards the main sewer lift station and get a couple of bids from different contractors, and to put in the manhole; motion carried.

No-dig Ordinance: Walter requested discussion on a no-dig ordinance be on the March agenda.

MAYOR'S BUSINESS:

Insurance: The Mayor notified Archibald Insurance to raise the insurance on the buildings as we discussed, but we haven't got anything done on the equipment.

Grain Silo: He talked to a structural engineer who came and looked at the grain silo and said that he would come back and make a recommendation on what it would take to make it sound and a cost to make it so. He wants between \$800 and \$1,200 to do that. **MOTION:** It was moved by Council member Harris and seconded by Council member Kershaw that we expend \$800 to \$1,200 to determine whether or not the grain silo is structurally sound at the present time and, if it is not structurally sound, what it would cost to make it structurally sound; motion carried.

EXECUTIVE SESSION:

9:30 p.m. **MOTION:** It was moved by Council member Deitz and seconded by Council member Harris that we go into executive session to discuss a personnel matter. The Mayor called for a roll call vote.

Those voting aye: Council members Kershaw, Barrus, Deitz and Harris

Those voting nay: None

Thereupon, the Mayor declared the motion passed.

10:00 p.m. The regular Council meeting reconvened.

MOTION ON ATTORNEY: It was moved by Council member Harris and seconded by Council member Kershaw that we authorize the Mayor to write a letter of appointment to Mr. Lee as our legal authority for one year with a stipulation that we have the opportunity to discuss some of the concerns we have in an executive session on March 10th on the basis of the job description that he presented himself; motion carried.

MOTION ON ENGINEER: It was moved by Council member Kershaw and seconded by Council member Harris that we authorize the Mayor to send a letter of appointment to Mr. Dick Dyer to be the City Engineer for the year 2005 based on the letter that the Mayor composed and the job description attached; motion carried.

North Rexburg Interchange: The Mayor presented copies of Sharee Palmer's letter to the County Planning & Zoning Commission dated January 12, 2005. He feels we should send our own letter and let them send their own letter, and it might have more clout. The County P&Z wouldn't let her present it at their meeting. The Mayor would like a letter written to the County Commissioners which will be signed by the whole Council. He will write the letter and have the Council review it as soon as possible.

Meeting adjourned at 10:15 p.m.

Signed: Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested: Sharon L. Bell
Sharon L. Bell, Clerk